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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Andrea Coreen Clemons,

Defendant.

20-MJ-08606-JR

**UNITED STATES' RESPONSE IN
OPPOSITION TO DEFENDANT'S
MOTION TO RECONSIDER
DETENTION**

The United States, through undersigned counsel, responds in opposition to Defendant's Motion to Reconsider Detention.

I. INTRODUCTION

The Defendant has been charged with Conspiring to Transport Illegal Aliens for Profit. (Doc. 1) On February 27, 2020, Judge Ferraro ordered the defendant detained pending trial. (Doc. 9) The Defendant filed a Motion to Reconsider Detention and is seeking to be released to a residential drug treatment facility. (Doc. 17.) For the reasons set forth below, the government opposes this motion.

**II. LAW AND ARGUMENT: DEFENDANT IS STILL A DANGER AND
FLIGHT RISK AND SHOULD REMAIN DETAINED.**

A defendant shall be detained pursuant to 18 U.S.C. § 3142(e) when there is "no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community."

1 Defendant's motion, which focuses primarily on whether the defendant should be
2 released for drug treatment, largely ignores the factors the Court is actually required to
3 consider in determining whether she should be released or detained pending trial. Those
4 factors militate strongly for Defendant's continued detention. Here, the preponderance of
5 the evidence demonstrates that Defendant is still a flight risk.

6 **III. DEFENDANT HAS A LENGTHY HISTORY OF FAILING TO COMPLY**
7 **WITH COURT IMPOSED CONDITIONS AND SHE HAS ALREADY**
8 **FAILED TO COMPLETE DRUG TREATMENT.**

9 In her motion, Defendant requests that she be released to a drug treatment facility.
10 The government opposed the Defendant's motion due to her track record of ignoring court-
11 imposed conditions and failing to participate in drug treatment. In November of 2013, the
12 Defendant was convicted of failure to appear. She then absconded from the supervision of
13 her probation officer and failed to participate in substance abuse treatment. (Doc. 13) In
14 September of 2016, the defendant was convicted of a dangerous drug violation. She again
15 failed to abide by the conditions of her probation. She was released to a residential drug
16 treatment facility but failed to complete the program. (Doc. 13) She also has numerous
17 other criminal court proceedings in which she consistently failed to appear.

18 **IV. CONCLUSION**

19 The defendant has shown an inability to abide by court-imposed conditions and an
20 unwillingness to participate in drug treatment. She is a poor candidate for release and the
21 government respectfully requests that the Court deny the Defendant's Motion to
22 Reconsider Detention.
23

24 Respectfully submitted this 31st day of May, 2020.

25 MICHAEL BAILEY
26 United States Attorney
27 District of Arizona

28 s/ Craig H. Russell
CRAIG H. RUSSELL
Assistant U.S. Attorney

1 Copy of the foregoing served electronically or by
2 other means this this 31st day of May, 2020, to:

3 All ECF Participants
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